

# Calendar No. 1257

77TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ No. 1218

## FRANKLIN BENJAMIN McNEW

MARCH 26 (legislative day, MARCH 5), 1942.—Ordered to be printed

Mr. SPENCER, from the Committee on Claims, submitted the following

### REPORT

[To accompany S. 1756]

The Committee on Claims, to whom was referred the bill (S. 1756) for the relief of Franklin Benjamin McNew, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

On page 1, line 5, strike out the figures "\$5,000" and insert "\$2,000."

The bill, as amended, provides for the payment of \$2,000 to Franklin Benjamin McNew, of Oklahoma City, Okla., in full satisfaction of his claim against the United States for compensation for the permanent loss of sight of one of his eyes as the result of an injury sustained by him on June 1, 1937, while on an institutional assignment as an inmate of the United States penitentiary, Leavenworth, Kans.

The Attorney General has no objection to the enactment of the bill. He states:

Congress has from time to time passed private bills to compensate prisoners for injuries received in the performance of their assigned tasks. An award of suitable compensation in this instance appears justifiable.

Under all the circumstances your committee feel that the amount recommended is a fair and equitable settlement of this claim.

The letter of the Attorney General is appended hereto and made a part of this report.

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C., June 8, 1940.

Hon. EDWARD R. BURKE,  
Chairman, Committee on Claims, United States Senate,  
Washington, D. C.

MY DEAR SENATOR: Your letter of May 21, 1940, requested my views concerning the merits of the bill (S. 3999) to provide for the payment of compensation in the sum of \$5,000 to Franklin Benjamin McNew for injuries sustained by him while an inmate of the United States Penitentiary at Leavenworth, Kans.

The files of this Department show that in May 1937, McNew, who was then serving a sentence in the Leavenworth Penitentiary for counterfeiting, sustained an injury while performing an assigned task as a janitor when the end of a loose

wire struck him in the left eye. The injury was sustained through no apparent negligence on his part. He was treated in the prison hospital for 2 months as a result of the accident, but the injury culminated in a complete loss of vision of the left eye.

McNew was released from the institution on parole on March 7, 1939.

It has been represented on behalf of the claimant that the sight of his right eye has also become affected and that he is gradually becoming totally blind.

Congress has from time to time passed private bills to compensate prisoners for injuries received in the performance of their assigned tasks. An award of suitable compensation in this instance appears justifiable.

I find no objection to the enactment of the bill.

Sincerely yours,

ROBERT H. JACKSON,  
*Attorney General.*